

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Earl Mack, #216237, ) C/A No. 6:06-1397-GRA-WMC  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Barney Giese, Solicitor, Richland County ) **Report and Recommendation**  
 Solicitor's Office; )  
 Henry McMaster, Attorney General of the State of )  
 South Carolina; )  
 Jon Ozmint, Director, South Carolina Department )  
 of Corrections, and )  
 Samuel B. Glover, Director, South Carolina )  
 Department of Probation, Parole, and Pardon )  
 Services, in their official capacities, )  
 )  
 Defendants. )  
 )

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This case is before the Court on Plaintiff's Motion to Voluntarily Dismiss the case without prejudice so that he may proceed with his claim in South Carolina state court under the South Carolina Post Conviction Relief Act. (Entry 5). Plaintiff's Motion should be granted.

Accordingly, it is recommended that the District Court dismiss the Complaint in this case *without prejudice* and without issuance and service of process.

  
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WILLIAM M. CATOE  
UNITED STATES MAGISTRATE JUDGE

June 1, 2006

Greenville, South Carolina